

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAULA DISBERRY

Plaintiff,

v.

EMPLOYEE RELATIONS COMMITTEE OF
THE COLGATE-PALMOLIVE COMPANY,
ALIGHT SOLUTIONS, LLC, AND THE BANK
OF NEW YORK MELLON CORPORATION,

Defendants.

Case No. 22-cv-05778-CM-OTW

**PLAINTIFF DISBERRY AND DEFENDANT THE BANK OF NEW YORK MELLON'S
STIPULATION REGARDING PLAINTIFF'S AMENDED COMPLAINT**

Plaintiff Paula Disberry ("Plaintiff") and Defendant The Bank of New York Mellon ("BNY Mellon") (incorrectly named in the Complaint as The Bank of New York Mellon Corporation) hereby stipulate and agree as follows:

1. On December 19, 2022, the Court issued a Decision and Order granting BNY Mellon's Motion to Dismiss in its entirety (the "Order"). (Dkt. # 73.) The Order also denied Motions to Dismiss filed by co-defendants Alight Solutions, LLC and the Employee Relations Committee of the Colgate-Palmolive Company. (*See id.*)

2. On January 6, 2023, Plaintiff filed an Amended Complaint. (Dkt. # 77.)

3. The Amended Complaint contains no new allegations or claims against BNY Mellon and specifically states: "For purposes of preserving her right to seek review of the Court's dismissal of the ERISA claim against The Bank of New York Mellon Corporation on appeal, Plaintiff has retained this party and the ERISA claim against it in this Amended

Complaint. Plaintiff has indicated in this Amended Complaint that the ERISA claim (Claim One) has been dismissed as against The Bank of New York Mellon Corporation.” (*Id.* at 1.)

4. Unless the Court instructs otherwise, it is hereby stipulated and agreed, by and between Plaintiff and BNY Mellon, through their undersigned attorneys, that: (a) BNY Mellon remains a party to the Lawsuit solely for purposes of preserving Plaintiff’s right to appeal the Order; (b) the First Claim For Relief, as stated in the Amended Complaint, has been dismissed as to BNY Mellon; (c) Plaintiff asserts no other claims against BNY Mellon; and (d) because there are no active claims against BNY Mellon in the Amended Complaint, BNY Mellon need not file an answer to the Amended Complaint or otherwise engage in any requirements under the law as a party to the lawsuit.

Dated: New York, New York
January 9, 2023

/s/Megan E. Troy

Anjanique M. Watt
MAYER BROWN LLP
1221 Avenue of the Americas
New York, New York 10020
(212) 506-2500

Nancy Ross (admitted pro hac vice)
Megan Troy (admitted pro hac vice)
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, Illinois 60606
(312) 782-0600

*Counsel for Defendant The Bank of New
York Mellon*

/s/Kirsten G. Scott (with consent)

Kirsten G. Scott (admitted pro hac vice)
Teresa S. Renaker (admitted pro hac vice)
RENAKER SCOTT LLP

505 Montgomery Street, Suite 1125
San Francisco, CA 94111
(415) 653-1733

Evan Brustein, Esq.
Brustein Law PLLC
299 Broadway, 17th Floor
New York, New York 10007
(212) 233-3900

Counsel for Plaintiff